

Kluwer Mediation Blog

The Surprising Effectiveness of Hostile Mediators

Rick Weiler (Weiler ADR Inc.) · Saturday, April 6th, 2019



Alright, idiots, what's the problem? And don't waste my time!

"Hi, I'm Rick. I'm your mediator for today. I can't decide what happens in this dumb dispute or how you resolve issues. My job is just to help people who are incapable of resolving conflict, like yourselves, find areas that you can agree on. That means I get to control what appears in the messages, which is a good thing since it seems like the two of you are incapable of making any smart decisions. I just want to say that this better be good. I DON'T like to waste my time."

This has **not** been my standard opening for the past almost 30 years as a commercial mediator, but new research indicates maybe it should have been.

In their 2017 research paper, **The Surprising Effectiveness of Hostile Mediators**, authors Ting Zhang, Francesca Gino, Michael I. Norton conclude:

"In contrast to the intuitions of both mediation "how-to" manuals and our own participants, hostile mediators can increase the likelihood that parties in conflict find solutions to their disagreements. By studying mediator behaviours counter to

what is typically recommended, we show that hostile mediators can positively influence negotiators' motivation and ability to resolve conflict."

In what appears to be very thoroughly designed research the authors conducted a series of six experiments designed to prove or disprove their hypothesis, "that when faced with a hostile mediator, negotiators perceive themselves to share a common enemy, leading them to be more willing and likely to reach agreement than if that mediator had been kind."

Now, the experiments did have their limitations. Participants, choose from [Amazon's Mechanical Turk](#), did not meet in face to face interactions. The mediations took place via online chat rooms.

The first experiment was a "Pilot" that unsurprisingly found that people intuitively believe that hostile mediators are **less likely** to help negotiators reach agreements compared with nice and neutral mediators.

But through a series of five further experiments, the authors found significant support for the proposition,

"that [mediator] hostility leads participants to experience sharing a common enemy with their counterpart, increasing their willingness to reach agreements with that counterpart—and the quality of solutions they achieve."

Take careful note. Mediator hostility results in not just **more** agreements, but **better** agreements!

Mean Mediators

What is meant by "hostile" mediator behaviour? The authors wanted the mediator to be mean; displaying unfriendly behaviours that included directed anger, rudeness, and spitefulness. Here are some mean mediator quotes from the study (in addition to the one at the start of this post):

- *"Given that my schedule is busier than yours, I'll choose the time—noon tomorrow";*
- *"Now that the two of you have sufficiently wasted my time, I'm relieved I don't have to hear more about your problems again";*
- *"Ok, let's see what kind of annoying complaints are on the table today. . . . Wow, it seems like the two of you made some pretty bad decisions. . . . I can't believe that this issue is taking so long to go over—the two of you are just wasting my time."*

Further Research

In my [February post](#) to the Kluwer Mediation Blog I wrote, "I think there's little reason to believe that more field-based mediation research focusing on mediation techniques will tell us anything we don't already know." I stand by that statement as it relates to "field-based" research but it seems to me that this "angry mediator" research shows that much more work can be done in the realm of theoretical

research.

Indeed, the authors observe,

“Future research can also investigate the influence of hostility on different types and domains of conflict. In our studies, added hostility shifted perceptions in situations where participants were in conflict over resources and where there were positive zones of possible agreement. However, added hostility may not be helpful in situations where the zone of possible agreement is small, difficult to uncover, or negative. Additionally, hostility from a mediator may be detrimental for relational conflicts that are more personal as opposed to task or procedural conflicts, particularly if the mediator is hostile toward both parties for personal missteps or character flaws that originally ignited the conflict.”

The Takeaway

As Donald Swanson asked in his blog post at [Mediatbankry](#) that first drew this research to my attention,

“What, then, should a mediator do?”

There is the problem of building a reputation in a field where being “nice” and “understanding” is a desired quality. What’s the effect of hostile behaviour during mediation on that reputation?”

Perhaps this research will be of most use to mediators not relying on repeat and referral business to make their living, such as assigned mediators in institutional or industry-specific settings or even judges in the context of pre-trial settlement conferences. For those of us tilling the fields of dispute resolution in the private sector, it seems likely that the “mean mediator” tools will mostly stay in the bag.

To make sure you do not miss out on regular updates from the Kluwer Mediation Blog, please subscribe [here](#).



The Leading Online Service
for International Arbitration

300+ Authors
Nearly 3,000 awards
11,000+ court decisions
2,250+ BITS

Request a free
demo now
[KluwerArbitration.com](https://www.kluwerarbitration.com)

 Wolters Kluwer

This entry was posted on Saturday, April 6th, 2019 at 12:01 am and is filed under Appointment of Mediators, Creativity, Developing the Field, Ethics, Evaluative Mediation, Fear, insider and outsider mediators, Intuition, mediation models, Mediation Outcomes, Mediators' Conduct, impartiality in mediation, Online Dispute Resolution (ODR), Online Mediation, Perception, Practical Challenges for Mediators, Research, Skills, Success in mediation, Tactics, The role of the mediator, Tips, user perspectives. You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.